



Commonwealth of Massachusetts
Executive Office of Energy & Environmental Affairs

Department of Environmental Protection

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BACKGROUND DOCUMENT

ON PROPOSED RESCISSIONS TO

310 CMR 7.00

AIR POLLUTION CONTROL

June 16, 2017

REGULATORY AUTHORITY:
M.G.L. c. 111, §§142A – 142O

A. SUMMARY OF PROPOSED RESCISSIONS

The Massachusetts Department of Environmental Protection (MassDEP) is proposing amendments to 310 CMR 7.00 *Air Pollution Control* in accordance with Governor Baker's Executive Order 562 by rescinding outdated sections of the regulations. These amendments rescind the following sections:

- 310 CMR 7.17 *Conversions to Coal*;
- 310 CMR 7.21 *Sulfur Dioxide Emissions Limitation* and 310 MCR 7.22 *Sulfur Dioxide Emissions Reductions for the Purpose of Reducing Acid Rain*; and
- 310 CMR 7.45 *The Massachusetts Green Fleet Program*.

The proposed amendments also eliminate or modify definitions in 310 CMR 7.00 *Definitions* associated with the rescissions and eliminate other references to the rescissions in 310 MCR 7.00.

310 CMR 7.17 *Conversions to Coal* allowed and established emission limits for certain power plants converting from oil to coal in the 1980s. Today, any new coal-fired capacity would be subject to updated permitting requirements in 310 CMR 7.00, so this regulation is no longer needed.

310 CMR 7.21 *Sulfur Dioxide Emissions Limitation* and 310 MCR 7.22 *Sulfur Dioxide Emissions Reductions for the Purpose of Reducing Acid Rain* were created to limit and cap emissions of sulfur dioxide that can cause acid rain. The caps for sulfur dioxide emissions have been superseded by federal requirements and are no longer needed because current permit limitations on facilities that emit sulfur dioxide limit emissions to much lower amounts than the high caps in these regulations.

310 CMR 7.45 *The Massachusetts Green Fleet Program* requires the Massachusetts Operational Services Division in the Executive Office of Administration and Finance to buy or lease cleaner vehicles. This regulation was adopted to be consistent with criteria in the 2005 federal Energy Policy Act (EPACT) to allow for federal funding for alternative fuel vehicles. This regulation is no longer being implemented and is obsolete. However, the Commonwealth is continuing to improve the efficiency of state-owned vehicles through efforts such as the Fuel Efficiency Standard for State Fleet (see <http://www.mass.gov/anf/docs/osd/ovm/fuelefficiencystandard-final-10-11-16.docx>).

The U.S. Environmental Protection Agency (EPA) previously approved 310 CMR 7.17 *Conversions to Coal* into the Massachusetts State Implementation Plan (SIP). Therefore, MassDEP will submit the rescission of this regulation to EPA as a SIP revision.

B. ECONOMIC IMPACTS

The proposed amendments do not have any economic impacts because they rescind outdated or obsolete regulations.

C. IMPACTS ON CITIES AND TOWNS

Pursuant to Executive Order 145, state agencies must assess the fiscal impact of new regulations on the Commonwealth's municipalities. The proposed amendments do not impose additional requirements on municipalities.

D. AGRICULTURAL IMPACTS

Pursuant to M.G.L. C. 30A, §18, state agencies must evaluate the impact of proposed programs on agricultural resources within the Commonwealth. The proposed amendments do not have any agricultural impacts because they rescind outdated or obsolete regulations.

E. SOURCE REDUCTION

The implementation of source reduction is a MassDEP priority, and is defined as in-plant practices that reduce or eliminate the total mass of contaminants discharged into the environment. The proposed amendments do not affect source reduction because they rescind outdated or obsolete regulations.

F. MASSACHUSETTS ENVIRONMENTAL POLICY ACT (MEPA)

The proposed amendments are exempt from the "Regulations Governing the Preparation of Environmental Impact Reports," 301 CMR 11.00, in that no MEPA review threshold set forth in 301 CMR 11.03 is met or exceeded. In addition, these proposed amendments do not reduce standards for environmental protection, nor do they reduce opportunities for public participation in review processes or public access to information generated or provided in accordance with the regulations. [See MEPA review threshold pertaining to promulgation of regulations at 301 CMR 11.03(12)].

G. PUBLIC HEARING AND COMMENT

M.G.L. Chapter 30A requires MassDEP to give notice and provide the opportunity to review the proposed amendments and background and technical information. Since MassDEP will submit final revisions to 310 CMR 7.17 *Conversions to Coal* to EPA for approval as a SIP revision, formal notice will be issued 30 days before the public hearing pursuant to federal notice requirements in CAA 42 U.S.C. § 7410(a) and 40 CFR §51.102(d). The hearing will be held in accordance with the procedures of M.G.L. Chapter 30A. The hearing notice and proposed amendments are available on MassDEP's website at: www.mass.gov/eea/agencies/massdep/news/comment/. For further information, please contact Thomas DeNormandie at 617-292-5763 or thomas.denormandie@statem.ma.us.